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U.S. DISTRICT COURT E.D.N.Y.

★ APR 2 - 2019 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, and  
STATES OF ALABAMA, CALIFORNIA,  
CONNECTICUT, COLORADO, DELAWARE,  
FLORIDA, GEORGIA, HAWAII, ILLINOIS,  
INDIANA, IOWA, LOUISIANA, KANSAS,  
MARYLAND, MICHIGAN, MINNESOTA,  
MONTANA, NEVADA, NEW HAMPSHIRE,  
NEW JERSEY, NEW MEXICO, NEW YORK,  
NORTH CAROLINA, OKLAHOMA, RHODE  
ISLAND, TENNESSEE, TEXAS, VERMONT,  
WASHINGTON, COMMONWEALTHS OF  
KENTUCY, MASSACHUSETTS,  
PENNSYLVANIA, VIRGINIA, and DISTRICT  
OF COLUMBIA,  
*ex rel.* PATSY GALLIAN,

**FILED UNDER SEAL**

Civil Action No.  
16-CV-2458

(Vitaliano, J)  
(Bloom, M.J.)

Plaintiffs,

- against -

AMERISOURCEBERGEN  
CORPORATION,  
AMERISOURCEBERGEN SPECIALTY  
GROUP, and US BIOSERVICES  
CORPORATION, ENTITIES d/b/a U.S.  
BIOSERVICES CORPORTATION, JANE  
DOE and JOHN DOES,

Defendants.

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**THE GOVERNMENT'S NOTICE OF ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United

States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended. A proposed Order is attached.

Respectfully submitted,

Dated: Brooklyn, New York  
March 27, 2019

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